

BOARD OF REGISTERED NURSING

P.O Box 944210, Sacramento, CA 94244-2100

P (916) 322-3350 | www.rn.ca.gov

Ruth Ann Terry, MPH, RN, Executive Officer

DIVERSION/DISCIPLINE COMMITTEE MINUTES

DATE: January 17, 2008

SITE: Department of Consumer Affairs
1625 N Market Blvd. Suite 102 (Hearing Room)
Sacramento, CA 95834
Phone: 916-574-7600
Fax: 916-574-7700

MEMBERS PRESENT: LaFrancine Tate, President
Grace Corse, Chair
Andrea Dutton, Med, ARRT

STAFF PRESENT: Ruth Ann Terry, MPH, RN, Executive Officer
Heidi Goodman, Assistant Executive Officer
Louise Bailey, RN, NEC Supervisor
Elliot Hochberg, Enforcement Program Manager
Carol Stanford, Diversion & Probation Program Manager
Kay Weinkam, RN, NEC
Janette Wickerly, RN, NEC
Carmen Morales
Alice Takahasi, RN, NEC
Miyo Minato, RN, NEC
Badrieh Caraway, NEC

OTHERS PRESENT: Virginia Matthews, Maximus
Margaret Avila, LA Trade Tech.

The Chair, Grace Corse called the meeting to order at 9:00 am.

1.0 COMMITTEE BUSINESS

1.1 Approve/Not Approve: Minutes of October 25, 2007

M/S/C: Andrea Dutton / LaFrancine Tate approved the minutes as submitted.

2.0 ENFORCEMENT PROGRAM

2.1 Information Only: Enforcement Program Update and Statistics

Attached are the Enforcement Program statistics for the first half of Fiscal Year 2007-2008 (July 2007 through December 2007).

The fiscal year statistics indicate that the number of pleadings filed by the Attorney General's Office (AG) is projected to be the highest in the past six fiscal years. The number of disciplinary actions against licensees is not projected to keep pace with the number of accusations filed. Therefore, it is anticipated that the number of cases pending at the Attorney General's Office will increase.

Of the total number of licensee disciplinary actions, only 11% are projected to go to an administrative hearing. 37% are projected to be default decisions, which is the highest in the past six fiscal years. 52% projected to be settled by stipulated agreement.

Enforcement Program Outreach Activities

In keeping with Enforcement Program goals and objectives, program manager Elliot Hochberg was a guest speaker for the Committee for Recognition of Nursing Achievement (CRONA) in Palo Alto, on October 2nd. CRONA is an organization representing nurses at Lucile Packard Children's Hospital and Stanford Hospital.

Mr. Hochberg provided an overview of the Enforcement Program, and disciplinary process. Mr. Hochberg's presentation followed guest speaker Maria W. O'Rourke, an education specialist with extensive knowledge of the Nursing Practice Act. Mr. Hochberg's presentation was well received.

Investigator Training for Enforcement Program Analysts

On December 10-12, Enforcement Program analysts attended investigator training in Sacramento offered by the Council of Licensure, Enforcement and Regulation (CLEAR). Analysts without prior training through CLEAR attended the basic program, and analysts with prior training attended the specialized program.

The basic program covered the following topics:

- Professional Conduct
- Principles of Administrative Law
- Principles of Evidence
- Evidence collection, tagging and storage
- Interviewing Process and Interviewing Techniques
- Report Writing
- Administrative and Criminal Proceedings

The specialized program covered the following topics:

- Advanced interviewing
- Advanced investigative analysis with case studies
- Collecting, Organizing, and Reporting
- Developing Report Formats
- Obtaining Written Statements

The training provided by CLEAR was well received by analysts, and enhanced their understanding of the investigative components of the Enforcement Program. Other attendees were from other states and other California regulatory boards and agencies. All attendees were required to pass examinations to obtain their certification.

Statistics

Enforcement Program statistics for the first half of Fiscal Year 2007-2008 (July 2007 through December 2007).

3.0 DIVERSION/PROBATION PROGRAMS

3.1 Information Only: Diversion Program Update and Statistics

Program Update

On October 16 and 17, the Diversion Program conducted a Nurse Support Group Facilitator Conference and DEC Orientation Meeting. Both gatherings were conducted to train, educate or develop. They were informative and the information obtained will be used to enhance the Diversion Program.

Contract Update

Maximus hired a new program director, Virginia Matthews, to replace Don Fensterman. Ms. Matthews has over 27 years of experience in health care delivery in both clinical and administrative settings. She has worked in a variety of managerial administrative positions in the Acute Care and Psychiatric services field.

The RFP was released for bid on November 6, 2007 for the next Diversion Program contract that will be awarded in March 2008. Representatives of the seven Boards met with prospective bidders at the Pre-proposal conference on December 20, 2007.

Diversion Evaluation Committees (DEC)

There are currently five vacancies as follows: four physicians, and one registered nurse. A recommendation is included on today's agenda for approval. Recruitment efforts continue.

Statistics

Attached is the Monthly Statistical Summary Report for September, October, and November. As of November 30th, there were 1266 successful completions in the Diversion Program.

3.2 Information Only: Probation Program Update and Statistic

Program Update

On October 16th, the Diversion/Probation Manager and several staff attended the NSGF Conference held in Burbank. Subsequently, several facilitators have contacted staff to inform them of the success of the meeting and the improvement

in the communication between the BRN probation program and the facilitators. The meeting minutes from the conference are attached for your review.

Statistics

Statistics for the Probation Program through January 4, 2008 were presented.

3.3 Diversion Evaluation Committee Members

(a) Approve/Not Approve: Diversion Evaluation Committee Member Appointment

In accordance with Business and Professions Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees (DEC). Each DEC is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

APPOINTMENT

Below is the name of the candidate who is being recommended for appointment to the DEC. His application and résumé is attached. If appointed, his term will expire June 30, 2012.

NAME	TITLE	DEC	NO
Forrest Long	Nurse	Oakland	13

M/S/C: LaFrancine Tate / Grace Corse - Approved

4.0 OPEN FORUM

The Chair adjourned the meeting at 9:30 am.

Approved: _____